

Senate being full the call was suspended.

Question recurring upon the amendment offered by Senator Shelley, the amendment was made.

Senator Guinn moved to amend by striking out the words "one hundred," wherever they occur before the word "freeholders," and insert "fifty."

Motion lost.

Bill read second time and ordered to be engrossed.

Upon motion of Senator Shelley, rule was further suspended, read third time by caption, and passed by the following vote :

YEAS—Senators Brown, Burney, Coppedge, Dalrymple, Foscue, Guinn, Knox, Littleton, McDade, Neyland, Randolph, Reed, Saufley, Selman, Shelley and Yarbro—16.

NAYS—Senators Braswell, Blount, Bumpass, Cooley, Nelson, Parker, Shannon and Voigt—8.

Senator Knox introduced a bill "to incorporate the Contractors' Association."

Read first time and referred to Committee on Internal Improvements.

Upon motion of Senator Nelson, the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, }  
October 25, 1866: }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Foscue, Chairman of Committee on Education, reports and recommends the passage of a House bill, supplementary to an act authorizing the disposition and sale of the University lands, approved August 30th, 1856.

Senator Voigt, for the Committee on Private Land Claims reports and recommends the passage of a bill for the relief of Mrs. Mary Benton.

Senator Braswell, Chairman of Committee on Internal Improvements, reports and recommends the passage of a House bill to incorporate the Trinity Valley Railroad Company.

Senator Stell introduced a bill to amend the Penal Code in relation to offences committed against live stock.

Read first time and referred to Committee on Stock and Stock Raising.

Senator Parker made the following report :

COMMITTEE ROOM, }  
October 25th, 1866. }

*Hon. G. W. Jones, President of the Senate:*

The Committee on Enrolled Bills have examined the following, to-wit:

An act to transfer the administration of the estate of C. C. Alexander, from the county of Smith, to the county of Fannin, in the State of Texas.

An act to amend Article 382, Title 1, Chapter 3, of the Criminal Code.

An act to repeal certain acts therein named.

An act to repeal an act entitled "An act to be entitled an act authorizing judgments to be rendered in certain cases, requiring property levied upon by execution or sale, under deeds of trust or mortgage to bring none-tenths of its appraised value," approved March 4th, 1863.

An act for the relief of the heirs of Ross M. Bridges, deceased.

An act to amend an act entitled "An act to establish a Code of Criminal Procedure for the State of Texas, approved August 26th, 1856, and repeal certain portions thereof.

An act to incorporate Shook's Bluff Bridge or Ferry Turnpike Company.

An act to incorporate the Honey Springs Ferry Company.

An act to amend an act entitled "An act to adopt and establish a Penal Code for the State of Texas, approved August 28th, 1856, and to repeal certain portions thereof," and find the same correctly enrolled and properly signed, and have presented the same to the Governor for his approval.

F. J. PARKER,

Chairman Committee on Enrolled Bills.

Senator Blount introduced a bill to extend the provisions of an act entitled "An act to provide for the incorporation of towns and cities," approved January 27th, 1858, to the towns of Denton and Pilot Point, in Denton county.

Read first time and on motion of Senator Blount, rule was suspended, bill read second time and ordered to be engrossed; rule further suspended bill read third time and passed.

Upon motion of Senator Parker, rule was suspended, and House bill to incorporate the Waco Bridge Company, on its second reading, was taken up, read and passed to a third reading; rule further suspended, bill read third time and passed by the following two-thirds vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Burney, Cook, Coppedge, Dalrymple, Guinn, Jowers, Lane, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Record, Reed, Selman, Shelley, Stell, and Voigt—23.

NAYS—None.

Upon motion of Senator Guinn, rule was suspended, and House bill to incorporate the Mud Creek Bridge and Turnpike Company, on its second reading, was taken up, read and passed to a third reading; rule further suspended, bill read third time and passed by the following two-thirds vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Burney, Cook, Coppedge, Dalrymple, Guinn, Jowers, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Record, Reed, Selman, Shelley, Stell, Voigt and Yarbrow—23.

NAYS—None.

Upon motion of Senator McDade, rule was suspended, and a House bill for the relief of John Fitzgibbon's heirs and others, on its second reading, was taken up, read second time and passed to a third reading; rule further suspended, bill read third time and passed.

Upon motion of Senator Dalrymple, rule was suspended, and a House bill for the relief of Lucien Hopson, on its second reading, was taken up, read and passed to a third reading; rule further suspended, bill read third time and passed.

Upon motion of Senator Shelley, Senator Cook was excused for ten days from next Saturday.

Upon motion of Senator Jowers, rule was suspended, and House bill to incorporate the Stovall Academy was taken up, and referred to Committee on Education.

Upon motion of Senator Neyland, rule was suspended, and House bill to incorporate the Trinity Valley Railroad Company, on its second reading, was taken up, read and passed to a third reading; rule further suspended, bill read third time and passed by the following two-thirds vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Burney, Hook, Cooley, Coppedge, Foscue, Guinn, Jowers, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Record, Selman, Shannon, Shelley, Voigt and Yarbrow—23.

NAYS—Senator Reed—1.

A message was received from His Excellency the Governor, which, upon motion of Senator Brown, was taken up and read, and upon motion of Senator Reed was referred to Committee on Finance.

EXECUTIVE OFFICE,  
AUSTIN, TEXAS, Oct. 25, 1866. }

*Gentlemen of the Senate and House of Representatives :*

I feel called upon to invite the attention of your Honorable Body to the impoverished condition of Calhoun county, consequent upon the destruction of property that has occurred in that county. The public history of the country during the war has made the suffering of the people of that county known to all.

The statements made by the Representatives from this section, as well as the testimony of all persons who have been there, concur in one fact: that the citizens of that county have suffered very greatly more than our fellow citizens of any other section. I know that many other localities have suffered much, and their situation appeals strongly to your liberality, but the very severe losses of the people of Calhoun county, I have no doubt, far exceed those of any other, in proportion to their wealth and population; and I would most respectfully suggest a relinquishment of the State taxes, to this county, for the next two years.

J. W. THROCKMORTON.

Senator Shelley made the following report :

COMMITTEE ROOM,  
Austin, Oct. 8, 1866. }

*To the President of the Senate :*

The Committee on State Affairs have had under consideration a resolution of the Senate, instructing your committee to inquire into the appropriation of the State Cemetery for the burial of deceased soldiers of the U. S. Army, and the propriety of setting apart such portion of the public grounds as may be necessary for the use of the military as a burial ground, and of removing the bodies now interred, and to report by bill or otherwise.

Also, a joint resolution making an appropriation of "the sum of five thousand dollars, or so much thereof as may be necessary to be expended under the direction of the Governor, in the erection of a suitable permanent fence or wall to enclose the State Cemetery in the vicinity of the City of Austin."

Also, a House bill "authoring the enclosure of the State Cemetery, and making appropriation therefor," and instruct me to report as follows :

Immediately upon the adoption and reference of the first resolution, your committee requested His Excellency the Governor to accredit them to the Commandant of the military forces stationed at Austin, which was promptly done, and the committee was thereby placed in communication with Col. R. W. Morris, commanding Military Forces at Austin. By appointment, Col. Morris met

the committee, and being advised of the duties with which it was charged, assured the committee of his readiness to co-operate with it, and of his gratification by the proposition to set apart a suitable portion of the public grounds for the interment of deceased soldiers ; and also of his disposition to remove and inter in the ground so assigned, the bodies now buried in that portion of the grounds occupied by those buried by the State. Having had the Cemetery lot surveyed and the corner and lines re-established, joined by Col. Morris, the committee visited and examined the grounds.

The interments made by the military have been made, in some instances, in the spaces between the graves of the State's dead, and in others in and across the walks and avenues, so that if it should be attempted now to lay off the ground in any order, and to beautify and ornament it, it could not be done without interfering with some of the graves.

At the suggestion of the committee, Col. Morris selected a portion of the grounds in the north-east corner of the lot as a military cemetery, and assured the committee that so soon as the temperature would justify, he would cause the bodies heretofore interred to be removed to the ground selected by him.

Your committee believe that the least appropriate and suitable portion of the ground has been selected for the interments heretofore made. A bleak, barren knoll, without sufficient soil to sustain vegetation of any kind, exposed to the scorching suns of summer, and the unobstructed blasts of winter, now affords an inhospitable resting place for the remains of Burleson, Lipscomb, Hemphill, McLeod and McCulloch, who, having devoted themselves to the service of the commonwealth, were honored in life by their fellow-citizens, and "when life's fitful fever was over," the State undertook that their bodies should "rest well."

When Burleson laid aside his armor, while in the service of the State, these grounds were purchased of A. J. Hamilton by the State, and set apart for his burial, and the burial of all others who might die in the service of the State. This dedication was of such character as to declare that the space so set apart should be forever reserved and held sacred for the reception of the mortal remains of such as the State of Texas should receive in charge, and for whom it would undertake to perform the rites of sepulture.

Your committee were gratified by the readiness and cordiality with which Col. Morris accorded with these views.

Your committee recommend that one acre be set apart, in a square form, out of the north-east corner of the State Cemetery

lot, as a military burial ground, for the use of the United States forces.

Your committee also recommend the accompanying substitute for the House bill "authorizing the enclosure of the State Cemetery, and making appropriation therefor," and ask its adoption and passage. Respectfully submitted.

N. G. SHELLEY, For the Committee.

Upon motion of Senator Shelley, the bill and report were taken taken up and substitute adopted; read and passed to a third reading; rule further suspended, bill read third time and passed by the following vote:

YEAS—Senators Braswell, Blount, Boyd, Bumpass, Burney, Cook, Cooley, Coppedge, Guinn, Jowers, Knox, Littleton, Nelson, Neyland, Parker, Record, Reed, Shannon, Shelley, Stell, Voigt and Yarbrow—22.

NAYS—None.

Upon motion of Senator Shannon, rule was suspended and report of Committee on General Land Office was taken, and upon motion of Senator Guinn, the report was adopted and committee discharged.

Senator Guinn moved that the vote adopting the report and discharging the committee be re-considered.

Carried.

Report again adopted and the committee discharged.

Senator Blount offered the following resolution:

*Resolved*, That the chairman on the part of the Senate of the joint Select Committee on the Land Office, be instructed to approve the account of the clerk employed by that committee, for just such time as the clerk was actually engaged in the service of said committee.

Adopted.

A message was received from the House announcing its refusal to recede from the amendments made to the Senate bill, regulating the time that railroad cars shall stop at way stations, and has appointed Messrs. Doom, Giddings and Smith of Harris, as a Committee of Conference on the part of the House on said disagreement, and asks the appointment of a like committee on the part of the Senate.

The message also announced the passage of the following bills:

Senate bill to incorporate the Texas Iron and Marble Manufacturing Company.

House bill to incorporate the town of Hillsboro, in Hill county.

House bill for the relief of David L. Kokernot.

House bill granting leave of absence to Hen. J. J. Holt, during the summer vacation of 1867.

House bill supplementary to "An Act entitled an act to authorize the Governor to appoint an agent for the Alabama and Coshattie Indians; and to make an appropriation for the same," approved December 30th, 1861.

House bill to authorize suit by foreign legal representatives.

House bill to amend the 110th section of "An Act to be entitled an act to regulate proceedings in the County Courts, pertaining to estates of deceased persons."

House bill to repeal "An Act to amend an act supplemental to an act to regulate estrays," approved February 5th, 1861, and approved April 6th, 1861.

House bill to amend "An Act entitled an act to prohibit the sale of intoxicating liquors in the vicinity of the town of Dallas, in Dallas county," passed December 16th, 1863.

House bill authorizing the transfer of the administration of the estate of Joseph R. Tanner, deceased, from the County Court of Calhoun county to the County Court of Bastrop county.

Joint resolution to accept the provisions of the Act of Congress of the United States, approved July 2nd, entitled "An Act to donate public land to the several States and Territories, which may provide Colleges for the benefit of Agriculture and the Mechanic Arts."

Senate bill supplementary to and amendatory of "An Act to incorporate the Jefferson Manufacturing Company," passed the present session.

House bill to amend "An Act to incorporate the Brazos Branch Railroad Company," approved February 10th, 1854, and supplemental to and amendatory of "An Act to incorporate the Brazos Branch Railroad Company," approved Sept. 1, 1856.

Upon motion of Senator Neyland, the following House bills, on their first reading, were taken up, read and referred as indicated.

House bill supplementary to and amendatory of "An Act entitled an act to incorporate the Jacksonville and Neches Bridge Company," approved the 26th of January, 1860.

Read first time and referred to Committee on Roads, Bridges and Ferries,

House bill to incorporate the Chambers' Creek Bridge Company.

Read first time and referred to Committee on Roads, Bridges and Ferries.

House bill for the relief of pre-emption settlers, and to extend

the time for the return of the field notes, and to extend the time for the payment of all dues by settlers, under the acts authorizing the sale of the public domain."

Read first time and referred to Committee on Public Lands.

House bill to incorporate the Rock Creek Bridge and Turnpike Company.

Read and referred to Committee on Roads, Bridges and Ferries.

House bill to incorporate the town of Hillsboro, in Hill county.

Read first time and referred to Committee on State Affairs.

House bill to incorporate the Colorado Navigation Company.

Read first time and referred to Committee on Commerce and Manufactures.

Joint resolution granting leave of absence to Hon. J. J. Holt, during the summer vacation of 1867.

Read first time and referred to Judiciary Committee.

House bill for the relief of David L. Kokernot.

Read first time and referred to Committee on Private Claims.

House bill to authorize suit by foreign legal representatives.

Read first time and referred to Judiciary Committee.

House bill to amend "An Act to be entitled an act to regulate proceedings in the County Courts pertaining to estates of deceased persons."

Read first time and referred to Judiciary Committee.

House bill supplementary to "An Act entitled an act to authorize the Governor to appoint an agent for the Alabama and Coshattie Indians, and to make an appropriation for the same," approved December 30th, 1861.

Read first time and referred to Committee on Indian Affairs.

House bill to repeal "An Act to amend the act supplemental to an act to regulate estrays, approved February 5th, 1861, and approved April 6th, 1861."

Read first time and referred to Committee on Stock and Stock Raising.

House bill to amend an act entitled "An Act to prohibit the sale of intoxicating liquors in the vicinity of the town of Dallas, in Dallas county," passed December 16th, 1863.

Read first time and referred to Committee on State Affairs.

House bill authorizing the transfer of the administration of the estate of Joseph R. Tanner from Calhoun county to Bastrop county.

Read first time and referred to Judiciary Committee.

Joint resolution to accept the provisions of the act of Congress of the United States, approved July 2d, entitled "An Act to donate public land to the several States and Territories which



may provide colleges for the benefit of agriculture and the mechanic arts.

Read first time and referred to Committee on Education.

House bill making an additional appropriation to defray the contingent expenses of the Eleventh Legislature, read first time, rule suspended, read second time and passed to a third reading; rule further suspended, read third time and passed.

Senate bill to authorize the Financial Agent of the Penitentiary to appoint a person to examine the books and papers of that institution, and report thereon, and for other purposes, with amendments by the House.

Upon motion of Senator Guinn, the Senate concurred in the amendments.

Senate bill to regulate the time that Railroad passenger cars shall stop at way stations, with an amendment by the House.

Upon motion of Senator Neyland, a Committee of Conference was appointed.

The Chair appointed Senator Neyland said committee.

Senator Littleton presented petition of Pryor Lee, concerning his account with the State.

Referred to Committee on Finance.

The hour having arrived for the consideration of the special order, viz: division of the State;

Majority report and bill, together with the minority report recommending a substitute, were taken up.

Senator Neyland moved the adoption of the minority report.

Senator Neyland moved a call of the Senate.

Call sustained.

Pending the call of the House, upon motion of Senator Foscue, a House bill creating the Galveston Chamber of Commerce, on its second reading, was taken up, read and passed to a third reading; rule suspended, bill read third time and passed by the following two-third vote:

YEAS—Senators Braswell, Boyd, Brown, Bumpass, Burney, Cooley, Coppedge, Dalrymple, Foscue, Guinn, Jowers, Knox, Littleton, McDade, Nelson, Neyland, Randolph, Record, Reed, Saufley, Shannon, Shelley, Stell, Voigt and Yarbrow—25.

NAYS—None.

COMMITTEE ROOM, }  
Austin, Oct. 25th, 1866. }

*Hon. G. W. Jones, President of the Senate:*

The Committee on Engrossed Bills have examined and find

correctly engrossed, a bill to be entitled "An act to incorporate the Waco Tap Railroad Company." Respectfully submitted.

W. M. NEYLAND,

Chairman of Com. on Eng'd Bills.

COMMITTEE ROOM,

Austin, Oct. 25th, 1866. }

*Hon. G. W. Jones, President of the Senate:*

The Committee on Engrossed Bills have examined and find correctly engrossed the following bills :

A bill to be entitled "An act to authorize and provide for any county, city or town to become a stockholder in, or to loan its credit to any company, corporation or association."

A bill to be entitled "An act to incorporate the Caddo Lake Manufacturing Company." Respectfully submitted.

W. M. NEYLAND,

Chairman of Com. on Eng'd Bills.

Upon motion of Senator Guinn, House bill to levy taxes, on its second reading, was taken up and read.

Senator Shelley moved to amend 5th section by striking out the word "five," under the head of tax on circuses, &c., and insert "ten."

Motion lost.

Senator Foscue moved to amend as follows :

Strike out the word "three," after the words "five thousand dollars," and insert "two" in lieu thereof.

Senator Shelley offered the following as a substitute for the amendment :

Strike out all after the word "follows," in 3d section, and insert "on the aggregate amount of annual income over and above the sum of six hundred dollars, a tax of two per cent."

Substitute adopted.

Question recurring upon the adoption of the amendment, the Senate refused to adopt.

Senator Shelley moved to amend as follows :

Strike out section 6th and insert "Section 6. No license shall be granted for a less period, than three months."

Motion lost.

Senator Jowers moved to amend section 5th as follows :

Strike out "two hundred dollars" and insert "one hundred dollars for selling one quart and less than one gallon."

Senator Voigt moved to lay the amendment upon the table.

Motion lost.

Senator Brown moved to adjourn until 7 o'clock this evening.

Lost.

Question recurring upon the amendment, and the yeas and nays being called, the amendment was made by the following vote:

YEAS—Senators Braswell, Brown, Burney, Dalrymple, Jowers, Knox, Lane, McDade, Nelson, Neyland, Parker, Record, Saufley, Shelley, Stell and Yarbrow—16.

NAYS—Senators, Blount, Boyd, Bumpass, Cook, Cooley, Coppedge, Foscue, Guinn, Littleton, Randolph, Reed, Selman, Shannon and Voigt—14.

Senator Boyd moved to adjourn to 10 o'clock to-morrow morning.

Lost.

Senator Jowers moved to adjourn to 9 o'clock to-morrow morning.

Lost.

Senator Cook moved to adjourn until a quarter past seven o'clock this evening.

Upon motion of Senator Jowers, the Senate adjourned until a quarter before 9 o'clock to-morrow morning.

SENATE CHAMBER, }  
October 26, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted

Question pending at the adjournment on yesterday, was the passage to a third reading of a House bill to levy taxes.

Senator Jowers made the following report :

*Hon. G. W. Jones, President of Senate :*

The Committee of Free Conference on the disagreement of the two Houses, upon a bill to be entitled "An Act for the relief of debtors in certain cases," have considered the same, and instruct me to report the accompanying bill as a substitute for the original bill and House amendments.

W. G. W. JOWERS,

Chairman on part of the Senate.

W. C. DANIEL,

Chairman on part of the House.

Report taken up and adopted, on motion of Senator Burney; on which the yeas and nays being called for, stood thus :

YEAS—Senators Braswell, Brown, Bumpass, Burney, Cook,